

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNIVERSITAS EDUCATION, LLC,

Judgment Creditor, :

-against- :

Case Nos. 11 CV 1590-LTS-HBP and
11-8726-LTS

NOVA GROUP, INC., as trustee, sponsor and :
fiduciary of THE CHARTER OAK TRUST :
WELFARE BENEFIT PLAN, :

Judgment Debtor.
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**SUPPLEMENTAL REPLY DECLARATION OF PAULA K. COLBATH, IN
SUPPORT OF UNIVERSITAS' MOTION, PURSUANT TO CPLR 5240, TO
EXTEND THE DURATION OF THE RESTRAINING NOTICES
ISSUED TO THIRD-PARTY GARNISHEES**

PAULA K. COLBATH, an attorney admitted to practice law in the Courts of the
State of New York, declares the following under penalty of perjury pursuant to 28 U.S.C.
§ 1746:

1. I am a partner in the law firm of Loeb & Loeb LLP, attorneys for
Universitas Education, LLC ("Universitas"), the Judgment Creditor in the above-
captioned proceeding. I have personal knowledge of the following facts.
2. I respectfully submit this supplemental reply declaration pursuant to Fed.
R. Civ. P. 69(a)(1) and N.Y. C.P.L.R. § 5240 in support of Universitas' Motion to extend
the expiration of certain restraining notices served by Universitas on third-party
garnishees, that are the subject of Universitas' Order to Show Cause and Temporary
Restraining Order (docket 563) and Supplemental Order to Show Cause and Temporary
Restraining Order (docket 579), until Universitas' Judgments against Judgment Debtors'

Nova Group, Inc., Daniel Carpenter, Grist Mill Trust Welfare Benefit Plan and any trustees and plan sponsors thereof insofar as they hold Grist Mill Trust assets, Grist Mill Capital, LLC, Grist Mill Holdings, LLC, Carpenter Financial Group, Avon Capital, LLC, Phoenix Capital Management, LLC, and Hanover Trust Company, are satisfied in full.

3. Attached as **Supplemental Reply Exhibit A** is a true and correct copy of a September 23, 2003 Memorandum of Decision and Order on Phase III in *Cahaly v. Benistar Property Exchange Trust Co., Inc.*, Suffolk Superior Court Civil Action No. 01-0229BLS2, Commonwealth of Massachusetts (Botsford, J.).

4. Attached as **Supplemental Reply Exhibit B** is a true and correct copy of a document from Benistar to Ridgewood Finance, Inc., Bates numbered NovaDOL 01404-01412.

5. Attached as **Supplemental Reply Exhibit C** is a true and correct copy of the Grist Mill Trust Welfare Benefit Plan & Trust Declaration of Trust, effective as of October 1, 2003, Bates numbered GMT-000001 - GMT-000018.

6. Attached as **Supplemental Reply Exhibit D** is a true and correct copy of the Grist Mill Trust Declaration of Trust, Amended and Restated as of October 1, 2005, Bates numbered GMT-000019 – GMT-000038.

7. Attached as **Supplemental Reply Exhibit E** is a true and correct copy of the Grist Mill Trust Declaration of Trust, Effective October 1, 2003, Amended and Restated as of January 4, 2010, Bates numbered GMT-000039 – GMT-000058.

8. Attached as **Supplemental Reply Exhibit F** is a true and correct copy of Declaration of Kathy Kehoe, signed June 12, 2014 (docket 459-1).

9. Attached as **Supplemental Reply Exhibit G** is a true and correct copy of Kathy Kehoe's Certification, dated March 23, 2015.

10. Attached as **Supplemental Reply Exhibit H** is a true and correct copy of the Sickness Accident Disability Indemnity Plan & Trust 2005, Effective October 1, 2005, Amended and Restated January 4, 2010, Bates numbered OT1066 - OT1090.

11. Attached as **Supplemental Reply Exhibit I** is a true and correct copy of the Nutmeg Trust, Effective October 1, 2003, Amended and Restated January 4, 2010, Bates numbered OT0579 - OT0634.

12. Attached as **Supplemental Reply Exhibit J** is a true and correct copy of the Life One Plan & Trust, Effective as of September 30, 2004, Amended and Restated January 4, 2010, Bates numbered OT0165 - OT0206.

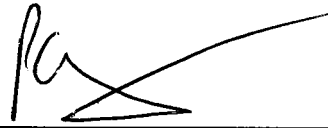
13. Attached as **Supplemental Reply Exhibit K** is a true and correct copy of the GMT Living Benefits Trust, Effective October 1, 2005, Amended and Restated June 15, 2010, Bates numbered OT0331 - OT-0378.

14. Attached as **Supplemental Reply Exhibit L** is a true and correct copy of the Benistar 419 Plan & Trust, Effective as of January 2, 2005, Amended and Restated as of January 4, 2010, Bates numbered OT0489 - OT0530.

15. Attached as **Supplemental Reply Exhibit M** is a true and correct copy of a LEXIS printout from November 10, 2015, showing the incorporation date of Hanover Benefits Plans, LLC as of February 4, 2010.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing
is true and correct.

Dated: New York, New York
November 10, 2015

A handwritten signature in black ink, appearing to be 'PC' followed by a long, sweeping horizontal stroke that curves upwards at the end.

PAULA K. COLBATH

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